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SUBJECT: Niger: Journalist Convicted, His Attorney Jailed

REF: Niamey 0031

¶1. On February 6, a Nigerien court sentenced Mr. Boussada Ben Ali, publication director of independent weekly newspaper "L'Action" to three months in prison. Police arrested Ben Ali on January 23 on charges of "divulging information likely to undermine public order."

The charge stemmed from an article published in the January 13 edition of "L'Action," which openly questioned the finance minister's awarding of a government contract. The same article also reported that the minister had diverted inappropriately funds from an oil agreement between Niger and China (reftel).

¶2. Yahouza Amani, Ben Ali's attorney, publically denounced the severity of the verdict, and filed an appeal. Based on his criticism of the sentence, the presiding judge filed charges against Amani, and on February 7 police arrested him for "bringing discredit upon a judicial decision." His arrest sparked considerable public criticism and authorities released him the following day.

¶3. Comment: Ben Ali's case is the latest in a series of arrests and prosecutions of journalists based on Niger's criminal libel statutes; however, the charges made by "L'Action" seem to have struck a nerve with GON officials or perhaps officials have learned from past cases that responding to allegations is in the Government's best interest, as this time the charges resulted in public statements of denial and the release of evidence that the GON claims proves the allegations unfounded. Usually, the GON does not respond to such claims, but simply prosecutes the journalists involved. In addition, the minister has attempted to distance himself from the prosecution of Ben Ali, claiming that he did not personally file a complaint against the journalist, but rather that it was initiated by the public prosecutor's office.

ALLEN